

Teruo Usui

Page 46

1 Does ANA do any other training with its pilots  
2 with regard to what to do in a situation when they are  
3 confronted during taxi with a possible collision with  
4 another aircraft?

5 A. There is no training.

6 Q. In order to get any of the professional  
7 aviation licenses that you hold, did you receive any  
8 such training?

9 A. Are you talking about collision avoidance  
10 during taxiing?

11 Q. That's correct. Are you trained or instructed  
12 at any time by anyone with regard to that topic?

13 A. No.

14 Q. And so if confronted with a possible collision  
15 hazard during taxiing, the company, ANA in this case,  
16 just expects you to figure it out on your own; right?

17 MR. TURNER: Objection as to form and  
18 foundation.

19 THE WITNESS: It does not say figure it out on  
20 your own. It says observe safety when taxiing.

21 MR. TORPEY: Q. Where does it say that?

22 A. All pilots have that understanding.

23 Q. And if you were to taxi or continue taxiing  
24 and there was a possibility that you were going to  
25 collide with another aircraft and if you did not stop or

Page 47

1 take other actions to make sure you were not going to  
2 collide with that other aircraft, then you would not be  
3 operating your aircraft safely during taxi; correct?

4 MR. TURNER: Objection as to form and  
5 foundation, incomplete hypothetical.

6 THE WITNESS: We pilots taxi while confirming  
7 safety.

8 MR. TORPEY: Q. As a proficiency examiner for  
9 ANA, if you were onboard an aircraft and the pilot  
10 continued to taxi, even though he was cleared to taxi,  
11 he continued to taxi despite the fact that you saw a  
12 potential collision hazard and that pilot had not taken  
13 any action to confirm whether or not the aircraft was  
14 going to collide into that other aircraft, would you  
15 feel that the pilot observed safety while taxiing if he  
16 continued to taxi?

17 MR. TURNER: Objection to form, incomplete  
18 hypothetical.

19 THE WITNESS: It is unthinkable to us that a  
20 PIC would taxi without confirming safety.

21 MR. TORPEY: Q. And if, in fact, a PIC did  
22 taxi without confirming safety, that would be a  
23 violation of the company policy to observe safety while  
24 taxiing?

25 MR. TURNER: Objection to form, incomplete

Page 48

1 hypothetical.

2 THE WITNESS: I don't know unless I am in such  
3 a situation. I do not know if it would be a violation.

4 MR. TORPEY: Q. I guess I'll move on to  
5 something else. I don't want to argue with you, sir.

6 So let me ask you, in a situation where --  
7 let's say that were you the pilot in command of a 777 at  
8 San Francisco International airport and you were taxiing  
9 from the engine-stop line to spot 10, the transition  
10 area, and you were cleared by ramp control to proceed  
11 from the start line to spot 10.

12 If you perceived a potential collision hazard  
13 as you were taxiing, one of the things you could do in  
14 order to observe safety while taxiing, is you could  
15 stop; isn't that true?

16 MR. TURNER: Objection as to form, incomplete  
17 hypothetical.

18 THE WITNESS: I do not know what kind of  
19 situation that is, but if the ramp tower instructs me to  
20 go to spot 10, I would do so as I confirm safety while  
21 doing so, and I do not know where that other aircraft is  
22 in your question.

23 MR. TORPEY: Q. Well, Mr. Usui, one of the  
24 things you could do as you put it, while confirming  
25 safety, is to stop the taxi until you did, in fact,

Page 49

1 confirm it was safe to continue taxiing. That's an  
2 option to you, sir, isn't it?

3 MR. TURNER: Objection as to form, incomplete  
4 hypothetical.

5 THE WITNESS: If the other aircraft was right  
6 in front of me, then I would stop, but I do not -- but  
7 since I don't know what the situation is, I would go to  
8 spot 10. You are asking me the same question, and the  
9 answer is the same.

10 MR. TORPEY: Q. If you did not know which  
11 direction the other aircraft was going to go, so it was  
12 a moving target and therefore could potentially get in  
13 the way of your taxi, one of the options for you is to  
14 stop the taxi until you know whether or not that other  
15 aircraft is a potential collision hazard; isn't that  
16 true, sir?

17 MR. TURNER: Objection as to form, incomplete  
18 hypothetical.

19 THE WITNESS: In such a situation I believe  
20 there will be an instruction from the ramp tower.

21 MR. TORPEY: Q. But what if there was no  
22 instruction? Would you call and ask the ramp tower?

23 MR. TURNER: Objection as to form, incomplete  
24 hypothetical.

25 THE WITNESS: I believe there will be an

13 (Pages 46 to 49)

Teruo Usui

Page 50

1 instruction from ramp control, and I would wait for it.  
 2 MR. TORPEY: Q. But what if it did not come  
 3 for whatever reason and you continued to taxi and you  
 4 were getting closer to the other airplane and you still  
 5 didn't know whether you were going to run into it.  
 6 Would you continue to taxi until you ran into  
 7 it, or would you stop and then call and wait until you  
 8 did confirm with ramp control that you weren't going to  
 9 run into it?

10 MR. TURNER: Objection as to form, incomplete  
 11 hypothetical.

12 THE WITNESS: I would lower the speed.

13 MR. TORPEY: Q. But even lowering the speed,  
 14 if you still didn't know whether or not you were going  
 15 to collide with the other aircraft, as a safe pilot in  
 16 command, wouldn't you stop your airplane until you were  
 17 able to confirm with the ramp control that you were not  
 18 going to collide?

19 MR. TURNER: Objection as to form, incomplete  
 20 hypothetical.

21 THE WITNESS: We received clearance from ramp  
 22 control to proceed to spot 10. That means that there is  
 23 no possibility of collision. If another aircraft  
 24 approaches, then ramp control must instruct that other  
 25 aircraft.

Page 51

1 MR. TORPEY: Q. What if ramp control for  
 2 whatever reason in your situation just given to us could  
 3 not reach your aircraft? Does that mean that the  
 4 clearance allows you to run into the other aircraft?

5 MR. TURNER: Objection as to form, foundation,  
 6 incomplete hypothetical.

7 THE WITNESS: I don't understand your  
 8 question.

9 MR. TORPEY: Why don't you read back the last  
 10 question -- last two questions and last answers in  
 11 English.

12 (Record read by the reporter.)

13 MR. TORPEY: Q. Mr. Usui, if you're taxiing  
 14 your aircraft after being cleared by ramp control to  
 15 proceed from the engine-start line to spot 10 and you  
 16 perceive there is a collision hazard with another  
 17 aircraft, and even though ramp control cleared you to  
 18 spot 10, you don't know for sure whether or not you're  
 19 going to run into the other aircraft and even if you  
 20 slow your aircraft upon perceiving the potential  
 21 collision hazard, if for whatever reason ATC or ramp  
 22 control cannot reach you or you cannot reach it, do you  
 23 believe that you should stop your aircraft, or should  
 24 you continue and just see whether or not you run into  
 25 the other aircraft?

Page 52

1 MR. TURNER: Objection as to form, incomplete  
 2 hypothetical.

3 THE WITNESS: The fact that we received  
 4 clearance from ramp control to proceed to spot 10 means  
 5 that we can taxi to that spot. We have priority or  
 6 supersedence.

7 MR. TORPEY: Again, I'll move to strike. But  
 8 I think the record is made clear that the witness will  
 9 not answer that question.

10 I'd like to see the exhibits from yesterday.  
 11 Who has the exhibits?

12 (Noon recess taken.)

13 THE VIDEOGRAPHER: Coming back on the record.  
 14 The time on the monitor is 1:57 p.m. Please begin.

15 MR. TORPEY: Q. Mr. Usui, would you look at  
 16 Exhibit 2 that's in front of you, please.

17 A. Yes.

18 Q. If you look at the second page of Exhibit 2  
 19 under taxi, under subpart 5, let's take a moment and  
 20 read subpart 5. At the beginning of taxi, it says  
 21 captain shall perform taxi in accordance with the  
 22 following, and subpart 5 says, ask for a signalman  
 23 assistance in the event that there's any obstacle in the  
 24 vicinity of the ramp area.

25 What does that mean to you?

Page 53

1 A. They are talking about the time when the  
 2 taxiing is starting.

3 Q. When it's starting, do you mean before the  
 4 engine-start?

5 A. Ordinarily the engine pushback is done at the  
 6 spot or it could be done in this way. For example, at  
 7 San Francisco Airport, the aircraft is brought to the  
 8 engine-start point where the engine is started. But, in  
 9 any case, taxiing begins after engine-start.

10 Q. Well, would it be during -- would subpart 5  
 11 that I just read you regarding asking a signalman for  
 12 assistance in the event there is an obstacle in the area  
 13 of the ramp area, would that apply to the situation  
 14 where you completed the pushback, have been released  
 15 from the tug, and are now on your own power beginning to  
 16 taxi through the ramp area?

17 A. The situation is unclear, so I cannot answer  
 18 in a clear manner.

19 Q. In other words, you don't know whether that  
 20 provision I just read you would apply to a situation  
 21 where an ANA aircraft was released from the tow and was  
 22 under its own power moving in a ramp area?

23 A. Subpart 5 talks about a situation before  
 24 taxiing, therefore, if there is no obstacle in the  
 25 vicinity, there would be an okay from the signalman.

14 (Pages 50 to 53)



Teruo Usui

Page 54

Page 56

1 Q. Okay. So as you read subpart 5, that's  
2 something that applies before the taxi begins; correct?

3 A. Yes. I think so because at the top it is  
4 written the captain shall perform taxi in regards with  
5 following.

6 Q. This is a manual -- this is the operations  
7 manual that applies to your operating of a 777 aircraft;  
8 correct?

9 A. It is not limited to 777.

10 Q. But it applies to the 777; right?

11 A. Yes, it applies to all aircrafts.

12 Q. How about under section 2, subpart 2, be  
13 observant of all obstacles around him and taxiing speed  
14 is such that he may bring his airplane to an immediate  
15 and a complete stop.

16 Would that apply to you as the flying pilot in  
17 command or the flying pilot of a 777 that was taxiing to  
18 the engine-start line to spot 10 at San Francisco  
19 Airport?

20 A. If there is clearance, we will go on, but I  
21 don't clearly understand what the situation is.

22 Q. Well, sir, as a pilot and a trainer for ANA,  
23 isn't it your responsibility to understand and follow  
24 the operations manual including the provisions in  
25 Exhibit 2 at paragraph 2, subpart 2, that I just read to

1 complete stop so that you do not run into the other  
2 aircraft?

3 A. According to the operations manual, that would  
4 be the case, but I don't understand what the situation  
5 that you mention is specifically, so I cannot answer.

6 Q. Well, let me give you a specific situation.

7 Let's say that you were cleared by ramp  
8 control at San Francisco to taxi your 777 aircraft from  
9 the engine-start line to spot 10, and as you were  
10 taxiing and observing all obstacles around you as  
11 required by the operations manual, you saw another  
12 aircraft and you did not know whether or not you were  
13 going to collide with that other aircraft.

14 In that specific situation, would you be  
15 required to bring your airplane to an immediate and  
16 complete stop?

17 MR. TURNER: Objection as to form and  
18 incomplete hypothetical.

19 THE WITNESS: I would act according to the  
20 operations manual, but since I do not have a clear  
21 understanding of that situation, I do not know what I  
22 would do.

23 MR. TORPEY: Q. What's unclear in what I just  
24 asked you, sir?

25 A. I do not have an understanding of the entire

Page 55

Page 57

1 you?

2 A. Quite naturally.

3 Q. Is that a yes?

4 A. We observed the operation manual and operate  
5 the aircraft based on it.

6 Q. Okay. Now, given that statement, tell me,  
7 sir, what your interpretation is of the provision in  
8 Exhibit 2 under section 2, subpart 2 that says, be  
9 observant of all obstacles around him and taxiing speed  
10 is such that he may bring his airplane to an immediate  
11 and complete stop.

12 In the context of applying that instruction to  
13 an aircraft taxiing at San Francisco Airport from the  
14 engine-start line to spot 10, explain to me what should  
15 happen in order to comply with that particular  
16 paragraph.

17 I'm going to withdraw the question. Let me  
18 rephrase it.

19 Subpart 2 says, be observant of all obstacles  
20 around him and taxiing speed is such that he may bring  
21 his airplane to an immediate and complete stop.

22 In order to comply with that direction, if you  
23 perceived during taxi that you were going to collide  
24 with another aircraft, would you be required to not only  
25 slow, but bring your aircraft to an immediate and

1 situation.

2 Q. What's unclear about the set of facts that I  
3 just gave you, sir?

4 A. Really, I could not know unless I am in that  
5 situation.

6 Q. Well, I'm going to ask you to put yourself in  
7 that situation. All right. I'm asking you to put  
8 yourself in the cockpit of a 777 aircraft at  
9 San Francisco International Airport. I'm asking you to  
10 put yourself in that position as pilot in command and  
11 flying pilot of that aircraft, put yourself in that  
12 position as someone who's the training officer for ANA.

13 I'm asking you to put yourself in that  
14 situation, having been given clearance by ramp control  
15 to taxi from the engine-start line to spot 10. I'm  
16 asking you to put yourself in that position taxiing and  
17 then you observe in compliance with your operations  
18 manual obstacles around you.

19 I'm asking you to put yourself in that  
20 position where you observe another aircraft while  
21 taxiing according to the clearance to spot 10. I'm  
22 asking you if you observed another aircraft and you, as  
23 the pilot in command, do not know, do not know for sure,  
24 whether or not you are going to run into that other  
25 aircraft.

15 (Pages 54 to 57)

Teruo Usui

Page 58

1 Does this policy in your operations manual  
2 require you in that situation I have just presented to  
3 you, sir, to bring your airplane to an immediate and  
4 complete stop?  
5 MR. TURNER: Objection as to form and  
6 incomplete hypothetical.  
7 THE WITNESS: I will act according to the  
8 operations manual, but quite frankly I do not know what  
9 I would do unless I am in the plane.  
10 MR. TORPEY: Q. Well, not to give you the  
11 impression it was responsive, it wasn't, but I'll move  
12 on to another question.  
13 With regard to Exhibit 9, Mr. Usui, would you  
14 please turn to that. If you would look at Exhibit 9  
15 this is a page from the same operations manual as  
16 Exhibit 2; correct? Only this is dated 1999, in other  
17 words, it's a previous page from the operations manual.  
18 A. By previous page, are you talking about  
19 Exhibit 8?  
20 Q. I'll withdraw the question.  
21 Look at Exhibit 9, Mr. Usui. If you look at  
22 subpart 2, this document is in Japanese. Does that  
23 subpart 2 talk about taxi?  
24 A. That's right.  
25 Q. And if you look under section 2, subpart 2,

Page 59

1 which again is in Japanese, is that the same instruction  
2 as the one I just asked you about at section 2,  
3 subpart 2 of Exhibit 2, which states, be observant of  
4 all obstacles around him and taxiing speed is such that  
5 he may bring his airplane to an immediate and complete  
6 stop?  
7 A. The content is different.  
8 Q. Okay. How is it different?  
9 MR. TURNER: We're comparing the second --  
10 number 2 under the 2 in a circle we're comparing to the  
11 2 in the parentheses; is that correct? On both of them,  
12 on Exhibit 9 and the second page of Exhibit 2.  
13 MR. TORPEY: Well, I'm asking him to compare  
14 the subpart 2, section 2.  
15 MR. TURNER: The 2 in parentheses under the 2s  
16 in the circles?  
17 MR. TORPEY: That's correct.  
18 THE INTERPRETER: The interpreter will  
19 translate.  
20 The signalman will show the signal from a  
21 position that is easy for the pilot to confirm the  
22 signal and in a way that the captain can easily make a  
23 judgment. Also, according to necessity, the signalman  
24 will position and assisting personnel.  
25 MR. TURNER: Just to be clear, that it was

Page 60

1 translated from Exhibit 9; correct?  
2 THE INTERPRETER: Yes.  
3 MR. TURNER: Thank you.  
4 MR. TORPEY: Q. Mr. Usui, would you look at  
5 Exhibit 9 and tell me if there's anything anywhere on  
6 Exhibit 9 that is similar or identical to the language  
7 under section 2, subpart 2 of Exhibit 2 regarding being  
8 observant of all obstacles?  
9 A. That would be subpart 2 of section 3.  
10 Q. Okay. And I would ask, Satoe, would you read  
11 that that he pointed out into the record, please.  
12 So for the record, this is Exhibit 9,  
13 subpart 3, section 2.  
14 THE INTERPRETER: In order to avoid contact  
15 with people or objects outside the aircraft, he should  
16 be observant -- or he should observe the vicinity, and  
17 he shall operate at a speed that will allow smooth and  
18 safe stopping.  
19 MR. TORPEY: Q. Now, let me ask you,  
20 Mr. Usui, to look at -- strike that.  
21 Exhibit 9 is dated 1999. You can see that at  
22 the bottom; correct?  
23 A. Yes.  
24 Q. Now, look at Exhibit 8, which at the bottom is  
25 dated 2004.

Page 61

1 A. Yes.  
2 Q. Would you let me know if there's any language  
3 similar to what was just read from Exhibit 9, that is  
4 section 3.2, is there any similar language in the  
5 exhibit anywhere?  
6 A. Yes. It is here, and it would be subpart 2 of  
7 section 3.  
8 Q. And it's the same language as you read to us  
9 from Exhibit 9?  
10 A. Yes.  
11 Q. And do you have any knowledge that -- strike  
12 that.  
13 Since it appears that in 1999 and 2004 that  
14 instruction was not changed, do you believe that on  
15 October 7 of 2003 that that was an instruction that  
16 would have been in the operations manual and would have  
17 been required to be followed on October 7 of 2003?  
18 A. Yes. We followed the operations manual, but  
19 in the English version it says, quote, complete stop,  
20 close quote. Whereas, we were looking at the manual  
21 that says, taxi at a speed wherein smooth and safe  
22 stopping is possible.  
23 Q. But the language that you read in Japanese  
24 would have applied to the operation of aircraft  
25 including at San Francisco on October 7 of 2003;

16 (Pages 58 to 61)



Teruo Usui

Page 62

1 correct?

2 A. It is as the operation manual says.

3 Q. But the question, sir, is the language that  
4 you read in Exhibits 8 and 9 that is in Japanese, do you  
5 agree with me that those instructions would have applied  
6 to the operation of an ANA aircraft at San Francisco on  
7 October 7 of 2003?

8 A. Rather than applying, we are operating  
9 according to this manual.

10 Q. And the instruction that you read from  
11 Exhibit 8 and 9 was an instruction that you operated  
12 pursuant to on October 7 of 2003; correct?

13 One correction. Required to operate pursuant  
14 to. Excuse me.

15 MR. TURNER: Objection as to form. I'd ask  
16 that you restate it. I'm not sure what you were  
17 changing.

18 MR. TORPEY: I'll restate the question.

19 Q. Since the operations manual, which is 1999 and  
20 marked as Exhibit 9 and the 2004 version, which is  
21 marked as Exhibit 8, contain identical language in  
22 Japanese which you've read into the record, do you agree  
23 with me, sir, that that instruction that you read is one  
24 that you were required to follow in operating aircrafts  
25 on October 7 of 2003?

Page 63

1 A. It is not a requirement. We operated  
2 according to the manual.

3 Q. It is a requirement. You cannot -- you as an  
4 ANA pilot cannot operate your aircraft unless it's in  
5 compliance with ANA's operation manual; isn't that true?

6 MR. TURNER: Objection as to form and  
7 foundation. I ask that you not just argue with the  
8 witness.

9 CHECK INTERPRETER: There was an objection,  
10 Lead Interpreter.

11 MR. TURNER: My objection, please.

12 THE INTERPRETER: Can you read the objection.  
13 (Record read by the reporter.)

14 THE WITNESS: We worked according to the  
15 operations manual.

16 MR. TORPEY: Q. Now, when you were -- what  
17 was your role on October 7 of 2003 with regard to the  
18 collision at San Francisco Airport?

19 A. My role was as a multi-captain.

20 Q. What's a multi-captain?

21 A. The flight between San Francisco and Tokyo is  
22 a long one, and it is not possible for only two people  
23 to do the total operation, therefore, the captain formed  
24 a team of PIC, multi-captain, and copilot to cover the  
25 long flight.

Page 64

1 Q. Have there ever been any other occasions that  
2 you're aware of where an ANA aircraft has collided with  
3 another aircraft at any time, at any place?

4 A. There was no collision. I am not totally  
5 certain.

6 Q. The question, sir, is do you have any  
7 knowledge of any other accident or incident involving an  
8 ANA aircraft colliding with another aircraft at any  
9 place, at any time?

10 A. I do not know.

11 Q. Who in your company would know if there were  
12 any other accidents or incidents involving collisions  
13 with other aircraft aside from the one at San Francisco  
14 that we're here on today?

15 A. I do not have a clear knowledge.

16 Q. When you say you don't have a clear knowledge,  
17 does that mean that you don't know the answer?

18 A. I don't know who would know.

19 Q. I asked you earlier, I apologize and I didn't  
20 follow up on this, but who is the chief pilot for the --  
21 in other words, who is the lead pilot for the 777 fleet  
22 of ANA at this point?

23 THE INTERPRETER: The interpreter needs to  
24 confirm one word.

25 THE WITNESS: There is a chief for the 777

Page 65

1 flight crew, and by -- I mean the captain and other  
2 pilots, and there is another chief for the training  
3 department, so there would be two.

4 MR. TORPEY: Q. Tell me their names and which  
5 is for which department.

6 A. I'm not clear on that at this point.

7 Q. Who do you report to? Who is your supervisor  
8 or boss?

9 A. My boss is not the chief. He's a leader.

10 Q. What is his name?

11 A. They change sometimes. The leaders change, so  
12 he is not fixed.

13 Q. On this day that you're here today, sir, who  
14 is your leader, your boss?

15 A. By that do you mean the leader or the chief?

16 Q. Both. Give me names, sir.

17 A. Is there something about giving names.

18 Q. I would like to know the names, sir, please.

19 MR. TURNER: Just for the witness's

20 edification, from my point of view I have no objection  
21 to him identifying people to whom he reports. But I  
22 don't know if there may be some company policy that he  
23 may have been referring to.

24 THE WITNESS: I would like to ask what  
25 happens, what is the next step after the name is given.

17 (Pages 62 to 65)

Teruo Usui

Page 66

Page 68

1 MR. TORPEY: Q. Well, could be nothing. It  
 2 could be we want to depose that person to ask about  
 3 things that you said here and then we might want to ask  
 4 that person's boss. A lot of things might happen.  
 5 That's why we're here is to find out what the truth is.  
 6 And if we need to depose others to get the truth, then  
 7 we do it. If we get it here today, then we might not.  
 8 So I really don't know the answer to your question, sir.  
 9 MR. TURNER: I would just suggest that since  
 10 the witness seems to have some concerns, which I have no  
 11 idea of whether it's a valid concern or not, that we  
 12 leave a blank in the transcript here and that we can --  
 13 he can check with his superiors in the company to find  
 14 out if there's some reason why he should not.  
 15 MR. TORPEY: No. Absolutely not. I want him  
 16 to answer the question.  
 17 Q. If you refuse to answer, then I will move on  
 18 to something else. So please give me an answer.  
 19 A. Rather than ask me, I would prefer you to ask  
 20 my company for my boss' name.  
 21 Q. Sir, either give me names or tell me you will  
 22 not give me names so we don't waste any more time on  
 23 this. I want the answer from you.  
 24 A. I can't say the name, so if you would like to  
 25 know the name, please go through my company.

1 are not going to give me names.  
 2 Let's move on to the events of October 7 of  
 3 2003. Where were you seated in the cockpit?  
 4 A. There are two seats behind the PIC and copilot  
 5 seats, and I was seated on the left side.  
 6 Q. So you were seated behind the captain in other  
 7 words?  
 8 A. No. My seat would be between the PIC and  
 9 copilot seats.  
 10 Q. So that was sort of -- that's fine. I have  
 11 enough.  
 12 From the time you got into the aircraft and  
 13 the aircraft -- strike that.  
 14 At any time during the segment from when the  
 15 aircraft was pushed back from the gate up until the  
 16 impact, did you stay at all times in the cockpit?  
 17 A. Yes.  
 18 Q. Okay. And at all times from the moment of  
 19 pushback until the impact, did you at all times remain  
 20 seated in that seat that you just described you were in?  
 21 A. Yes, I was.  
 22 Q. Did you have to wear a harness, in other  
 23 words, a shoulder harness and lap belt, you were  
 24 strapped in?  
 25 A. Yes.

Page 67

Page 69

1 Q. Why can't you say the name, sir?  
 2 A. As you said earlier, if I give the name,  
 3 nothing may happen, so then there is no necessity.  
 4 Q. Sir, that's not what I said. I said I wanted  
 5 the names and we may have to depose them and their  
 6 bosses or we may not depending on what we feel we need  
 7 to do.  
 8 Now, I don't want to argue with you.  
 9 MR. TURNER: Well, then why don't you stop  
 10 arguing with him and get on. I've given you  
 11 alternatives. Why don't you press on.  
 12 MR. TORPEY: I am pressing on. I want an  
 13 answer from this witness.  
 14 Q. Are you refusing to answer my question?  
 15 A. I'm not refusing. I'm saying that if you need  
 16 to know the name, please ask my company.  
 17 Q. No. I will not ask your company because your  
 18 company is not here giving a deposition, you are.  
 19 Please give me the names since you said you are not  
 20 refusing. Tell me who it was that is the two  
 21 individuals that you mentioned earlier that you report  
 22 to as of today.  
 23 A. As I already said, I cannot say.  
 24 Q. I think we already understand your answer,  
 25 sir, so I'll move on to something else. Apparently you

1 Q. And you did not remove that until after the  
 2 impact; correct?  
 3 A. No. I did.  
 4 Q. What point prior to the impact did you remove  
 5 your harness and/or seat belt?  
 6 A. I don't know exactly when.  
 7 Q. Did you remove the harness and the lap belt  
 8 and get out of the seat?  
 9 A. Yes.  
 10 Q. And were you standing or seated at the time of  
 11 the impact?  
 12 A. I was seated.  
 13 Q. I know you said you don't recall when you  
 14 removed the harness and belt and got out of your seat  
 15 exactly. Do you know how long it was that you were out  
 16 of the seat before you sat back down again?  
 17 A. No. I do not have a clear recollection.  
 18 THE VIDEOGRAPHER: One minute, counsel.  
 19 MR. TORPEY: Q. Do you have any recollection,  
 20 or would it be a complete guess?  
 21 A. I only want to say what is clear, so I don't  
 22 know at this point.  
 23 MR. TORPEY: Fair enough. Why don't you  
 24 change the tape.  
 25 THE VIDEOGRAPHER: This concludes Videotape 2

18 (Pages 66 to 69)



Teruo Usui

Page 70

1 in the deposition of Teruo Usui. Going off the record.  
 2 The time is 2:54 p.m.  
 3 (Recess taken.)  
 4 THE VIDEOGRAPHER: Here begins Videotape 3 of  
 5 the deposition of Teruo Usui. Coming back on the  
 6 record. The time on the monitor is 3:05 p.m. Please  
 7 begin.  
 8 MR. TORPEY: Q. Mr. Usui, you indicated you  
 9 took your seat belt off and got up and sat back down in  
 10 your seat. Did you refasten your belt or your shoulder  
 11 harness when you did that?  
 12 A. Yes.  
 13 Q. And you indicated you don't know how long  
 14 before the impact it was that you got up -- strike that.  
 15 Do you know how long before the impact it was  
 16 that you got out of your seat?  
 17 A. I'm not clear about the timing.  
 18 Q. And as you said before, when you say you're  
 19 not clear, you really don't know? You would have to  
 20 guess?  
 21 A. I'm saying I do not recall.  
 22 Q. And I take it you also don't recall how much  
 23 time elapsed from the time you got back in your seat  
 24 until the time of the impact either; correct?  
 25 A. I do not recall.

Page 71

1 Q. Was there discussion going on in the cockpit  
 2 between yourself and the other two crew members at the  
 3 time you were leaving the engine-start line up to the  
 4 point of the impact?  
 5 A. By discussion, are you inquiring what the  
 6 discussion was about?  
 7 Q. Well, I just asked you first if there was  
 8 discussion. So apparently there was discussion between  
 9 yourself and the other two crew members from the point  
 10 you left the engine-start line up to the point of  
 11 impact; correct?  
 12 A. I do not recall.  
 13 Q. So you don't recall -- strike that.  
 14 What was the purpose of your getting out of  
 15 the seat for the taxi for the period of time we talked  
 16 about?  
 17 A. It was to look at the aircraft that was  
 18 pushing back from gate 102.  
 19 Q. That would be the United aircraft?  
 20 A. Yes.  
 21 Q. Okay. Now, did someone ask you to get up and  
 22 look, or did you on your own decide to get up and look?  
 23 A. I do not have a clear recollection.  
 24 Q. When you personally first saw the United  
 25 aircraft, was it stopped, or had it already started

Page 72

1 pushing back from the gate?  
 2 A. I do not recall.  
 3 Q. And from the time you first saw the United  
 4 aircraft until the time of the impact, did you ever take  
 5 your eyes off of it, in other words, direct your  
 6 attention other than watching the United aircraft?  
 7 A. I do not have a clear recollection.  
 8 Q. And when you say you don't have a clear  
 9 recollection, you don't know?  
 10 A. I may have been looking at it, or I may have  
 11 been looking towards the front. That is what I'm  
 12 saying.  
 13 Q. When you say looking towards the front,  
 14 looking somewhere other than at the United Airlines?  
 15 A. Well, one can't see the outside very well from  
 16 the rear seat.  
 17 Q. Even if you were looking straight forward,  
 18 would you still see the United aircraft out of your  
 19 peripheral vision from your seat?  
 20 A. I do not have a clear recollection.  
 21 Q. You said you did not have a clear recollection  
 22 when you first saw United, whether it was  
 23 stopped -- strike that -- whether it had started its  
 24 push or not, does that mean that you have no  
 25 recollection and cannot say whether it was stopped --

Page 73

1 let me start over.  
 2 You do not have any recollection as to  
 3 whether, when you first saw the United aircraft, the  
 4 United aircraft had started its pushback or whether it  
 5 was still stationary at the gate before the pushback?  
 6 You don't have a recollection one way or the other on  
 7 that; correct?  
 8 A. That's right.  
 9 Q. At any time after you were able to see the  
 10 United aircraft, did it ever get to a point prior to the  
 11 impact where the United aircraft was no longer in your  
 12 field of view?  
 13 A. No.  
 14 Q. And were you looking at the United aircraft at  
 15 the time you felt the impact?  
 16 A. No. I was seated.  
 17 Q. From where you were seated, were you able to  
 18 see the United aircraft if you wanted to look at it?  
 19 A. I could see the plane.  
 20 Q. And since you could see the plane from the  
 21 seated position, were you looking at the plane, the  
 22 United plane, at the time you felt the impact?  
 23 A. I do not have a clear recollection.  
 24 Q. You said you could see the plane. What  
 25 portion of the United plane could you see from your

19 (Pages 70 to 73)

Teruo Usui

Page 74

1 seated position?  
 2 A. The plane itself.  
 3 Q. The entire plane from front to back?  
 4 A. No. I couldn't see the entire plane.  
 5 Q. Could you see everything from the wing  
 6 structure aft?  
 7 A. You mean during the time leading to the  
 8 impact?  
 9 Q. Yes.  
 10 A. Before the impact, it was behind the wing.  
 11 Q. You could see everything behind the wing  
 12 before the impact? Is that what you're saying?  
 13 A. I could not recall if it was everything.  
 14 Q. Tell me something you do recall you could see  
 15 aft of the wing?  
 16 A. I could see the windows next to the seat, not  
 17 all the windows.  
 18 Q. Were you able to see the tail, the vertical  
 19 tail?  
 20 A. I do not recall clearly.  
 21 Q. Did you ever notice the United aircraft stop  
 22 its pushback at some point prior to the impact?  
 23 A. I don't know if it stopped or not.  
 24 Q. When you got out of your seat prior to the  
 25 impact, tell me where you went and what you did.

Page 75

1 THE INTERPRETER: Can you give me that.  
 2 (Record read by the reporter.)  
 3 THE WITNESS: I looked outside from the right  
 4 rear-most window. I looked at the United Airline  
 5 aircraft.  
 6 MR. TORPEY: Q. What was your reason for  
 7 getting out of your seat and looking out of the right  
 8 rear-most window at the United aircraft prior to impact?  
 9 A. Because I felt it was closer.  
 10 THE INTERPRETER: The interpreter will  
 11 restate.  
 12 THE WITNESS: Because I felt that it was  
 13 slightly closer than usual.  
 14 MR. TORPEY: Q. Why does that matter?  
 15 A. Because it was closer than usual.  
 16 Q. But why does it matter to you that it's closer  
 17 than usual -- let me rephrase it.  
 18 The fact that it was closer than usual, why  
 19 did that cause you to get up and look at it?  
 20 A. There's no reason why I should not stand up  
 21 and look.  
 22 Q. Well, just because something is closer than  
 23 usual, why would you get up and look at it?  
 24 MR. TURNER: Objection as to form.  
 25 THE WITNESS: I simply looked because it felt

Page 76

1 close.  
 2 MR. TORPEY: Q. As a crew member, even though  
 3 you were not a flying crew member, you had an obligation  
 4 for the safety of its aircraft and its passengers during  
 5 that taxi; correct?  
 6 A. It is as the operation manual that we looked  
 7 at says.  
 8 MR. TORPEY: Why don't you read back the  
 9 question.  
 10 (Record read by the reporter.)  
 11 MR. TORPEY: Q. Please answer that question.  
 12 A. It was not as if I was not a flying crew  
 13 member. I was a flying member.  
 14 Q. And so you have the same safety obligations as  
 15 the other two pilots during that taxi; correct?  
 16 A. Yes.  
 17 Q. Now, when you got up to look at the United  
 18 aircraft during the taxi because it was closer than  
 19 usual, did you do so to try to confirm whether or not  
 20 there was a potential collision hazard between your  
 21 aircraft and the United aircraft?  
 22 A. It was closer than usual, but I wasn't  
 23 thinking about potential.  
 24 Q. So in getting out of your seat and looking at  
 25 the United aircraft -- strike that.

Page 77

1 Before getting out of your seat and looking at  
 2 the United aircraft, did you believe there was any  
 3 possibility at all that you would collide with the  
 4 United aircraft?  
 5 A. Before I got out of the seat?  
 6 MR. TORPEY: Why don't you read back the  
 7 question.  
 8 (Record read by the reporter.)  
 9 THE WITNESS: I do not have a clear  
 10 recollection.  
 11 MR. TORPEY: Q. And in getting up out of your  
 12 seat and looking at the United aircraft and then getting  
 13 back into your seat, did you feel that there was any  
 14 possibility of a collision between your aircraft and the  
 15 United aircraft?  
 16 A. No. Because I did not feel any possibility,  
 17 taxiing was continued.  
 18 Q. So after you got up and looked out the right  
 19 rear-most window, you came to the determination that  
 20 there was no possibility that your aircraft was going to  
 21 collide with the United aircraft?  
 22 A. The three of us together.  
 23 Q. So then after you got out of the seat, looked  
 24 in the right rear-most window and got back into your  
 25 seat, you, as well as the other two crew members,

20 (Pages 74 to 77)



Teruo Usui

Page 78

1 thought there was no possibility of a collision between  
2 your aircraft and the United aircraft; correct?

3 A. We felt assured that there was no possibility  
4 and continued taxiing.

5 Q. Okay. Now, prior to the time you got up and  
6 looked out the window and sat down, had the aircraft  
7 slowed its taxi speed?

8 MR. TURNER: Can I have that question back in  
9 English.

10 (Record read by the reporter.)

11 THE WITNESS: I do not recall about that.

12 MR. TORPEY: Q. Prior to the time you got out  
13 of your seat and looked at the United aircraft and then  
14 sat back down, had the aircraft deviated to the left of  
15 the centerline at all?

16 A. No, I don't think it had deviated.

17 Q. At some point after you sat down, did the ANA  
18 aircraft deviate left of centerline prior to the impact?

19 A. I don't know.

20 Q. Do you know if at any time between the  
21 engine-start line and the impact whether the ANA  
22 aircraft deviated left of centerline?

23 A. It kept the centerline.

24 Q. So at all times including right up to the  
25 impact, from your vantage point, there was never a

Page 79

1 deviation off of the centerline; correct?

2 A. That's right.

3 Q. And we say deviate off centerline. We're  
4 talking about the nose of the aircraft lining up with  
5 the yellow centerline on the taxiway; correct?

6 A. Main gear is the rear gear, but the middle of  
7 the main gear would be the centerline.

8 Q. How does a pilot sitting in the right-hand  
9 seat of that aircraft know whether or not they're lined  
10 up with the centerline?

11 A. The person at the right seat, I cannot give a  
12 clearcut explanation.

13 Q. Have you ever been in the right seat of a 777  
14 taxiing?

15 A. Yes.

16 Q. How do you line up with the centerline?

17 A. If I am at the right seat, I would have my  
18 left leg or the attachment of my left leg be on the  
19 centerline. Also, the measuring instrument would be of  
20 reference. It is hard to explain.

21 Q. In order for an aircraft to be considered on  
22 the centerline, would the nose of the aircraft be lined  
23 up essentially with the centerline?

24 A. If the centerline is between the main gear and  
25 the main gear, and if the nose gear is on the

Page 80

1 centerline, it would mean that the aircraft is lined up  
2 with the centerline.

3 Q. And since the nose is part of the aircraft,  
4 it's the front tip of the aircraft, that means that the  
5 nose would be lined up with the centerline; correct?

6 A. I'm not sure.

7 Q. What do you mean when you say that an  
8 aircraft -- strike that.

9 You indicated that yourself and the other two  
10 pilots, after you sat back down in your seat from  
11 looking out the window, felt that there was no collision  
12 hazard.

13 Let me ask you if, however, after you sat back  
14 in your seat you felt that you did not know whether or  
15 not there was a collision hazard, in that situation,  
16 what would you have recommended to the crew that they  
17 should do?

18 MR. TURNER: Objection as to form.

19 THE WITNESS: I would not know unless I am in  
20 such a situation.

21 MR. TORPEY: Q. Well, you were in that  
22 situation, sir. You were in that situation. You were  
23 in that cockpit that day. And what I'm asking you to do  
24 is put yourself back in that spot. But I want to change  
25 one thing. I want you to assume that you did not know

Page 81

1 when you looked out that window whether or not you were  
2 going to clear that United airplane.

3 With that change in mind, what would you tell  
4 that crew to do?

5 MR. TURNER: What is the whole question?  
6 Please ask a complete question. If you were changing  
7 it, please ask the whole question with the change.

8 MR. TORPEY: I'd like an answer to my  
9 question.

10 MR. TURNER: Objection as to form and  
11 foundation.

12 THE WITNESS: I do not know.

13 MR. TORPEY: Q. So even if you had gotten up,  
14 looked out the window, sat back down and thought you  
15 really don't know whether or not you're going to clear,  
16 you don't know what you would have done in that  
17 situation?

18 MR. TURNER: Objection as to form, incomplete  
19 hypothetical.

20 THE WITNESS: If I am not in that sort of  
21 situation, I really wouldn't know.

22 MR. TORPEY: Ms. Interpreter, he started to  
23 speak before the objection. Did you catch what he  
24 started to say?

25 THE INTERPRETER: He said, at such a

21 (Pages 78 to 81)

Teruo Usui

Page 82

1 situation.

2 MR. TORPEY: Q. Now, if you had gotten up out  
3 of your seat and looked at the United aircraft and sat  
4 back down and didn't know whether or not you would run  
5 into the other aircraft, one of the things you could  
6 have done is suggested to the crew they could have  
7 stopped until they figure out whether or not they're  
8 going to clear the other aircraft?

9 MR. TURNER: Objection as to form, incomplete  
10 hypothetical.

11 THE WITNESS: If I am not in such a situation,  
12 I do not know.

13 MR. TORPEY: Q. Sir, I'm asking you a  
14 hypothetical question, and I have a right to do that,  
15 and I want you to answer that question.

16 And the question is all of the factors of  
17 October 7, 2003, remain exactly the same, so don't tell  
18 me you weren't in that situation, because you were.

19 Put yourself back in that same situation. The  
20 only thing I want you to do is, for purposes of my  
21 question, when you sat back down in your seat you did  
22 not know for sure whether or not you would clear the  
23 other aircraft.

24 In that situation, sir, what would you tell  
25 that crew they should do?

Page 83

1 MR. TURNER: Objection as to form, incomplete  
2 hypothetical. And Mr. Torpey is improper in giving  
3 these kinds of instructions to this witness. He should  
4 ask questions, not give these absurd instructions to the  
5 witness.

6 THE WITNESS: In a hypothetical situation,  
7 many conditions are unknown, so I cannot answer.

8 MR. TORPEY: I move to strike that answer. I  
9 don't think you responded to my question, sir, and  
10 you're not going to, so I'll move on.

11 If there was any chance, sir, on the day of  
12 this accident that your aircraft was going to strike the  
13 United aircraft, would you agree with me that your  
14 aircraft should have been stopped before proceeding  
15 further?

16 MR. TURNER: Objection as to form, incomplete  
17 hypothetical.

18 THE WITNESS: Until spot 10, I don't know.

19 MR. TORPEY: Q. Now, you said that after  
20 sitting down, after looking out the window at the United  
21 aircraft you were sure there would be no collision.

22 What about what you looked at out the window  
23 made you feel there was no chance that your airplane was  
24 going to collide with the United airplane.

25 A. Although it was closer than usual, I believe

Page 84

1 that we could pass by.

2 Q. And did you represent to the pilot in command  
3 and the flying pilot that information that you just  
4 mentioned, that you thought that the aircraft would  
5 clear?

6 MR. TURNER: Can I have that question back.  
7 I'm sorry. In English.

8 (Record read by the reporter.)

9 THE WITNESS: It was not a thought. The three  
10 of us were convinced that we could clear, or certain  
11 that we could clear, or we believed firmly that we could  
12 clear.

13 MR. TORPEY: Q. The question, though, sir, is  
14 did you represent to the other two pilots after looking  
15 out the window that you felt that the ANA aircraft would  
16 not collide with the United aircraft?

17 A. The three of us discussed.

18 Q. I didn't ask you that, sir. I'll ask you  
19 again. I'm asking you what you said to them. Did you  
20 say to them after looking out the window that you,  
21 Mr. Usui, felt that the aircraft you were in would clear  
22 the United airplane. That's the question, sir.

23 A. Since this was four years ago, I do not recall  
24 if I said that or not.

25 Q. If Mr. Yamaguchi, the captain said that you

Page 85

1 said it, would you agree that you must have said it?

2 A. I don't quite understand the question.

3 Q. Well, you said it's been four years so you  
4 don't really remember. What if Mr. Yamaguchi said that  
5 you did represent to them that you thought the clearance  
6 was adequate --

7 MR. TURNER: Objection --

8 MR. TORPEY: Q. -- would you agree that you  
9 must have said that, or would you say Mr. Yamaguchi was  
10 lying?

11 MR. TURNER: Objection as to form and  
12 foundation.

13 THE WITNESS: I don't know.

14 MR. TORPEY: Let me see those exhibits,  
15 please. Just hand those to me, please.

16 Q. Let me show you, sir, what was marked  
17 yesterday as Exhibit 7, at Mr. Yamaguchi, the company's  
18 deposition.

19 Have you ever had a chance to read his  
20 statement before?

21 A. Yes. I have, but I do not have a clear  
22 recollection.

23 Q. If you look at Exhibit 7, it says here,  
24 approaching spot 10. I recognized UAL B777 had started  
25 pushout from gate B102. Pilot flying maneuvered

22 (Pages 82 to 85)



Teruo Usui

Page 86

1 slightly to the left side of the centerline. It looked  
 2 to me that the maneuver was to increase the margin of  
 3 clearance from the UAL B777.  
 4 And then he goes on to say, I asked the pilot  
 5 flying whether the clearance was adequate and then  
 6 acknowledged it with the cockpit member.  
 7 Do you believe that you were the cockpit  
 8 member with whom he acknowledged that?  
 9 A. I don't recall clearly.  
 10 Q. So you don't know one way or the other?  
 11 A. That's right.  
 12 Q. Let's put these exhibits back together.  
 13 Now, you said that the three of you were  
 14 certain prior to the impact that you were going to  
 15 clear. Other than yourself looking out the window, what  
 16 else was done by yourself or the other two crew members  
 17 to come to the conclusion that it was certain you would  
 18 not hit the United aircraft?  
 19 THE WITNESS: When you say other, what else  
 20 did you do, I mean we continued taxiing.  
 21 MR. TORPEY: No. Read back the question.  
 22 (Record read by the reporter.)  
 23 MR. TURNER: Objection as to form and  
 24 foundation.  
 25 THE WITNESS: I do not recall.

Page 87

1 MR. TORPEY: Q. And since you don't recall,  
 2 you don't know if there was anything else that you did  
 3 other than look out the window? Fair statement?  
 4 A. I do not recall what we did.  
 5 Q. One thing we do know is you never attempted to  
 6 stop until impact; correct?  
 7 A. We had the clearance.  
 8 Q. That was not the question, sir. Do you agree  
 9 with me that at no time prior to the impact was there  
 10 any attempt to stop the ANA aircraft?  
 11 A. I do not know.  
 12 Q. Do you have any recollection of any discussion  
 13 between yourself and the other two crew members about  
 14 whether you should stop prior to the impact?  
 15 A. We discussed, and we believed we could clear  
 16 and so continued taxiing.  
 17 Q. So there was never an attempt to stop prior to  
 18 impact; correct?  
 19 A. There was no necessity to stop.  
 20 Q. Do you remember giving a statement to the U.S.  
 21 government's National Transportation Safety Board that  
 22 investigated this collision?  
 23 A. I do not remember.  
 24 Q. Do you recall anybody from ANA taking a  
 25 statement from you?

Page 88

1 A. Yes.  
 2 Q. Do you understand that there was an  
 3 investigation by ANA into the cause of the collision  
 4 between your aircraft and the United aircraft?  
 5 A. Investigation, I don't know.  
 6 Q. Are you aware of what ANA determined to be the  
 7 cause or causes of the collision between the two  
 8 aircraft?  
 9 A. I have not.  
 10 Q. Have you personally formed any opinion as to  
 11 what the cause or causes of the collision between the  
 12 two aircraft was?  
 13 A. No.  
 14 Q. And I assume you have no opinion as to who was  
 15 at fault for causing the collision; correct?  
 16 A. I don't know.  
 17 MR. TORPEY: Why don't we mark this.  
 18 (Whereupon, Exhibit 16 was marked for  
 19 identification.)  
 20 MR. TORPEY: Q. Let me show you -- well, take  
 21 a moment. You can read it over.  
 22 Have you had a chance to look at that, sir?  
 23 A. Yes.  
 24 Q. Okay. May I see that, please. The statement  
 25 that was marked Exhibit 16, that contains your

Page 89

1 signature; correct?  
 2 A. Yes.  
 3 Q. And it's dated October 8 of 2003, do you see  
 4 that at the top?  
 5 A. Yes.  
 6 Q. And that was given by you to ANA relative to  
 7 this accident; correct? At least the information that  
 8 is contained in this letter was given to you -- given by  
 9 you?  
 10 A. Yes.  
 11 Q. And was that in the course and scope of ANA  
 12 investigating the circumstances of this accident as far  
 13 as you know?  
 14 A. I don't know.  
 15 Q. In any event, having read this statement,  
 16 which is dated October 8, 2003, would it have been given  
 17 by you on that day, or would it have been given on  
 18 October 7, the day this incident actually happened?  
 19 A. I have a recollection that I wrote this on the  
 20 very day of October 7, 2003, but it is not certain.  
 21 Q. All right. Whether you wrote it on the 7th or  
 22 the 8th of October, this would have been written when  
 23 the events surrounding the collision or the events  
 24 leading up to it were very fresh in your mind; correct?  
 25 A. Probably.

23 (Pages 86 to 89)

Teruo Usui

Page 90

1 Q. And the statement when you gave it for  
2 purposes of the NTSB to get this was true and accurate;  
3 correct?  
4 Let me rephrase it.  
5 This statement that you gave that was  
6 submitted to the NTSB by ANA, it was a true and accurate  
7 statement; correct?  
8 A. Yes. It is as this says.  
9 Q. Let's look at the statement if you look -- may  
10 I see this, please. Your counsel has a copy or you can  
11 look at the one I'm putting up here.  
12 First of all, the numbers on the left-hand  
13 column, 18:48, 18:55, 19:00. Do you know who supplied  
14 those?  
15 A. No, I don't know who provided those.  
16 Q. Let's look at the information at 18:55. It  
17 says, requested taxi to the ramp tower, then received  
18 clearance until spot 10.  
19 And it goes on to say, then we were told to  
20 contact ground control.  
21 What did you mean by your statement where it  
22 says you were cleared to go to spot 10, then this word  
23 right here, "then," told to contact ground control?  
24 What did you mean by that, sir?  
25 A. I don't know what that means specifically.

Page 91

1 Q. The word until spot 10, you understand that  
2 ramp control only cleared you to go to spot 10, the  
3 transition point; correct?  
4 A. That's our understanding.  
5 Q. Now, if we continue on that statement, it says  
6 here on the next line, starting here, on the way to  
7 enter to A taxiway by spot 10, turning to the left, I  
8 saw a UAL B777 being pushed out from gate G102. And in  
9 order to check the clearance with the airplane, I looked  
10 outside. However, it says the right-hand wing tip could  
11 not be invisible.  
12 What did you mean by that, sir?  
13 A. It is as is written.  
14 Q. Did you mean that when you looked out the  
15 right window the right wing tip was not visible? Is  
16 that what you meant?  
17 A. It means I could not see the right wing tip.  
18 Q. Fair enough. And that's because simply  
19 looking out the window, it's a sweptback wing, and you  
20 cannot see out the window the wing tip on the 777  
21 aircraft; correct?  
22 A. That's right.  
23 Q. Ultimately you taxied the aircraft, you and  
24 the other two crew members, into the United aircraft;  
25 correct?

Page 92

1 A. I don't know.  
2 Q. You don't know if the aircraft you were in  
3 when you taxied collided with the United aircraft?  
4 A. My understanding that we continued taxiing,  
5 and there was contact.  
6 Q. When you say contact, there was a collision  
7 between the ANA aircraft that you were in and the United  
8 aircraft that you had previously looked out the window  
9 at; correct?  
10 A. Yes. The United aircraft that I saw from the  
11 window.  
12 Q. And do you know what portion of your aircraft  
13 came in contact with what portion of the United  
14 aircraft?  
15 A. I do not see the point of contact actually.  
16 Q. The point of contact was the right wing tip of  
17 your aircraft with the left wing tip of the United  
18 aircraft; correct?  
19 A. Left?  
20 Q. Let me break it down.  
21 The portion of the ANA aircraft that collided  
22 with the United aircraft was the right wing tip;  
23 correct?  
24 A. I couldn't see, so I don't know.  
25 Q. I understand what you're saying. But do you

Page 93

1 know today if it was the right wing tip of your aircraft  
2 that collided with the United aircraft?  
3 A. I know there was a contact, but I don't know  
4 where because I could not see.  
5 Q. The contact between the United aircraft and  
6 your aircraft was, as you refer to here -- strike that.  
7 The right wing tip, as you say, was not  
8 visible, and so you were not able to actually see the  
9 impact? Is that what you're saying?  
10 A. Yes. I'm saying that I could not see the  
11 right wing, so I don't know what part of the UA aircraft  
12 our aircraft's right wing contacted.  
13 Q. Fair enough. Now, there was never any attempt  
14 after leaving the engine-start line by yourself or the  
15 other two crew members in the ANA aircraft to try and  
16 contact ramp control to determine whether or not the ANA  
17 aircraft would clear the United aircraft; correct?  
18 A. I don't know.  
19 Q. That right rear window that you were looking  
20 out at the United aircraft that we discussed earlier,  
21 that window opens; correct?  
22 A. No. It cannot be opened.  
23 Q. Is there a right window -- strike that.  
24 Is there a window on the right-hand side of  
25 the cockpit that can be opened?

24 (Pages 90 to 93)



Teruo Usui

<p style="text-align: right;">Page 94</p> <p>1 A. Yes.</p> <p>2 Q. Other than the right rear-most window, did you</p> <p>3 go to any other windows in the cockpit to attempt to</p> <p>4 look out and see if you could see the right wing tip?</p> <p>5 A. No, there is not.</p> <p>6 Q. You did not? You only looked out one window?</p> <p>7 Is that right?</p> <p>8 A. You mean me? I looked from the rear-most</p> <p>9 window.</p> <p>10 Q. Okay. And neither you nor the other crew</p> <p>11 members attempted to open the right-hand side window at</p> <p>12 any time during the taxi; correct?</p> <p>13 A. There is no such operation.</p> <p>14 Q. Well, there's a right-hand window that opens I</p> <p>15 thought you said.</p> <p>16 A. Yes.</p> <p>17 Q. Have you ever had a chance to open a window,</p> <p>18 the right-hand window, on a 777 aircraft and sort of</p> <p>19 poke your head out and look out that window?</p> <p>20 A. Only when the aircraft is stationary, in other</p> <p>21 words, when the engine is not on.</p> <p>22 Q. When you've done that, can you see the right</p> <p>23 wing tip?</p> <p>24 THE INTERPRETER: When it is parked, he said.</p> <p>25 Can I have the question again.</p>	<p style="text-align: right;">Page 96</p> <p>1 THE VIDEOGRAPHER: Coming back on the record.</p> <p>2 The time on the monitor is 4:50. Please begin.</p> <p>3 MR. TORPEY: Q. Mr. Usui, again, looking at</p> <p>4 your statement, Exhibit 16, if we look at this final</p> <p>5 line down here, it says that taxi speed was very slow at</p> <p>6 the moment of the collision.</p> <p>7 During the taxi, was there a point in time</p> <p>8 when the taxi speed slowed? In other words, you were</p> <p>9 going faster and then slowed prior to the impact?</p> <p>10 A. I don't know.</p> <p>11 Q. Well, apparently in your statement you stated</p> <p>12 that, in fact, the taxi speed was -- strike that.</p> <p>13 You say the taxi speed was very slow, and you</p> <p>14 go on to say, also our aircraft proceeded a little</p> <p>15 bit -- or "bid," but I think you mean "bit" -- left of</p> <p>16 the taxi centerline.</p> <p>17 Does that refresh your recollection about</p> <p>18 whether the aircraft prior to impact deviated to the</p> <p>19 left of the centerline?</p> <p>20 MR. TURNER: Can I have the question read</p> <p>21 back, please.</p> <p>22 (Record read by the reporter.)</p> <p>23 MR. TURNER: Objection as to form and</p> <p>24 foundation.</p> <p>25 THE WITNESS: It was on the centerline but</p>
<p style="text-align: right;">Page 95</p> <p>1 (Record read by the reporter.)</p> <p>2 THE WITNESS: When one pokes one's head out,</p> <p>3 it is possible to see.</p> <p>4 MR. TORPEY: Q. If we continue on in your</p> <p>5 statement, you say here in the next line, since aircraft</p> <p>6 turning at spot 10 to A taxiway, I checked the</p> <p>7 clearance. Are you again referring to the clearance</p> <p>8 between your aircraft and the United aircraft?</p> <p>9 A. That's right.</p> <p>10 Q. And it goes on to say and noticed a wing</p> <p>11 walker accompanied the UAL 777 at the left side. I did</p> <p>12 not see another on the right side. I saw the wing</p> <p>13 walker giving an okay-sign presumably to the tow tractor</p> <p>14 of the United 777.</p> <p>15 What was the significance of that statement or</p> <p>16 that observations, if any?</p> <p>17 A. I simple told the truth.</p> <p>18 Q. Had no significance? You were just stating</p> <p>19 what you saw?</p> <p>20 A. That's right.</p> <p>21 MR. TURNER: We've been going for more than an</p> <p>22 hour and a half again. Let's take a break.</p> <p>23 THE VIDEOGRAPHER: Going off the record. The</p> <p>24 time on the monitor is 4:33 p.m.</p> <p>25 (Recess taken.)</p>	<p style="text-align: right;">Page 97</p> <p>1 towards the left.</p> <p>2 MR. TORPEY: Q. What was the reason that the</p> <p>3 aircraft deviated to the left of the centerline prior to</p> <p>4 impact? What was the purpose of that?</p> <p>5 MR. TURNER: Objection as to form and</p> <p>6 foundation.</p> <p>7 THE WITNESS: I don't know the reason.</p> <p>8 MR. TORPEY: Q. If you as a pilot flying in</p> <p>9 the 777 had a potential collision hazard to your right,</p> <p>10 would deviating to the left of the centerline increase</p> <p>11 or decrease the clearance between the two objects?</p> <p>12 MR. TURNER: Objection as to form, foundation,</p> <p>13 and incomplete hypothetical.</p> <p>14 THE WITNESS: I don't know unless I'm in that</p> <p>15 situation.</p> <p>16 MR. TORPEY: Q. Let me show you what was</p> <p>17 previously marked Exhibit 14, which is the federal</p> <p>18 aviation regulations.</p> <p>19 If you look at Exhibit 14, that's federal</p> <p>20 aviation regulation section 91.3. It says</p> <p>21 responsibility and authority of the pilot in command,</p> <p>22 and under subsection A it states, and I quote, the pilot</p> <p>23 in command of an aircraft is directly responsible for</p> <p>24 the final authority as to the operation of that</p> <p>25 aircraft.</p>

25 (Pages 94 to 97)

Teruo Usui

Page 98

Page 100

1 Mr. Usui, as a captain and proficiency check  
 2 pilot and flying pilot of a 777 for ANA that flies ANA  
 3 aircrafts into the United States, were you aware of that  
 4 aviation regulation?  
 5 A. In Japan there's an aviation regulation under  
 6 the same title.  
 7 Q. And does it read the same as what this  
 8 regulation reads?  
 9 A. I don't know because one is in English and one  
 10 is in Japanese, but they are similar.  
 11 Q. And you were aware of the -- at least the  
 12 Japanese version of this regulation on October 7 of  
 13 2003; correct, sir?  
 14 A. Yes.  
 15 Q. Standby one second, please.  
 16 MR. TORPEY: Let's mark this as the next  
 17 exhibit which would be what number?  
 18 (Whereupon, Exhibit 17 was marked for  
 19 identification.)  
 20 MR. TORPEY: Q. Let me show you what was  
 21 marked as Exhibit 17, another federal aviation  
 22 regulation, and this one is section 91.13.  
 23 THE VIDEOGRAPHER: Can you move it to the left  
 24 a little bit.  
 25 MR. TORPEY: Yeah. And that section reads,

1 aircraft so close to another aircraft as to create a  
 2 collision hazard.  
 3 Mr. Usui, were you aware of that federal  
 4 aviation regulation?  
 5 A. It is the first time for me to see this.  
 6 Q. And is there a similar Japanese regulation  
 7 such as FAR 91.111?  
 8 A. I can't recall.  
 9 Q. Okay. If you look below that federal aviation  
 10 regulation 91.113, right-of-way rules except water  
 11 operations and under subsection B general, it states  
 12 that vigilance shall be maintained by each person  
 13 operating an aircraft so as to see and avoid other  
 14 aircraft.  
 15 Were you aware of that federal aviation  
 16 regulation?  
 17 MR. TORPEY: I'd ask Counsel not to point and  
 18 direct the witness while a question is pending. You've  
 19 highlighted a document. You pointed to the witness  
 20 while I'm cross-examining him on a question. Document  
 21 is right there in front of the witness. That is  
 22 completely improper.  
 23 MR. TURNER: That's exactly the point. The  
 24 highlighted point that I have highlighted you have  
 25 highlighted and the witness can't see it because the

Page 99

Page 101

1 under careless or reckless operation, subpart A, and I  
 2 quote, aircraft operations for the purposes of air  
 3 navigation, no person shall operate an aircraft in a  
 4 careless or reckless manner so as to endanger the life  
 5 or property of another.  
 6 Q. Now, do you see that? Mr. Usui, were you  
 7 aware of that federal aviation regulation?  
 8 A. It is the first time for me to see this.  
 9 Q. Do you know if there is -- if there is a  
 10 similar counterpart in the Japan regulations?  
 11 A. Yes, there is.  
 12 (Whereupon, Exhibit 18 was marked for  
 13 identification.)  
 14 MR. TORPEY: Q. Let me show you Exhibit  
 15 Number --  
 16 THE VIDEOGRAPHER: You won't be able to see it  
 17 there.  
 18 MR. TORPEY: What's that?  
 19 THE VIDEOGRAPHER: Just move it to the left.  
 20 MR. TORPEY: Hold on one second.  
 21 THE VIDEOGRAPHER: Down. That's better.  
 22 MR. TORPEY: Q. Let me show you what was  
 23 marked as Exhibit 18, and in particular under  
 24 section 91.111, operating near other aircraft, and  
 25 section A, it reads, quote, no person may operate an

1 court reporter's head is in his way. That's the only  
 2 reason I gave him the new Exhibit 18 because he couldn't  
 3 see it because of the court reporter's head and you know  
 4 that's the case.  
 5 MR. TORPEY: I'd like to see that. Would you  
 6 hand me that, sir, please. Could I see that.  
 7 I stand corrected. It is as a marked on that  
 8 exhibit.  
 9 MR. TURNER: Sure is.  
 10 MR. TORPEY: Q. Sir, having reviewed federal  
 11 aviation regulation 91.113B, were you aware of that  
 12 federal aviation regulation regarding the obligation to  
 13 see and avoid other aircraft?  
 14 A. This is the first time I see this federal  
 15 aviation regulation.  
 16 Q. And is there a Japanese counterpart or a  
 17 similar Japanese regulation requiring see and avoid of  
 18 other aircraft?  
 19 A. Yes.  
 20 Q. And on October 7 of 2003 were you aware of  
 21 that regulation?  
 22 A. And by that do you mean the Japanese  
 23 regulation?  
 24 Q. Yes, sir.  
 25 A. Yes.

26 (Pages 98 to 101)



Teruo Usui

<p style="text-align: right;">Page 102</p> <p>1 Q. To your knowledge as a proficiency trainer and 2 instructor, would Mr. Yamaguchi and Mr. Nishiguchi, 3 the other pilots that were with you on October 7 of 4 2003, have the same knowledge and understanding of the 5 Japan airline regulations that were discussed with you 6 today? 7 A. Yes. 8 Q. On the day of this collision on October 7 of 9 2003, the ANA -- strike that. 10 If on October 7, 2003, prior to the impact, 11 the United aircraft was stopped or stationery or, let's 12 say, 10 or 15 seconds, and your aircraft was not 13 stationery, you continued to taxi, would you consider 14 that to be an overtaking by your aircraft of the 15 stationary United aircraft? 16 THE INTERPRETER: The interpreter would like 17 to inquire, by overtaking, do you mean physically pass? 18 MR. TORPEY: Yes. 19 MR. TURNER: Objection as to form and 20 incomplete hypothetical. 21 THE WITNESS: I do not know. 22 MR. TORPEY: Q. Well, an aircraft that is 23 stationary can't overtake an aircraft that's moving; 24 correct? 25 A. I won't know unless I am in such a situation.</p>	<p style="text-align: right;">Page 104</p> <p>1 right-of-way? What does having the right-of-way 2 authorize your aircraft to do? 3 A. Do you mean on land or in air? 4 Q. On land, during taxi. 5 A. Then as I said earlier, it is the instruction 6 from ATC. 7 Q. The only thing, the one and only thing, that 8 the right-of-way -- strike that. 9 If you have the right-of-way during taxi, do 10 you have the right to run into another aircraft? 11 MR. TURNER: Objection as to form and 12 incomplete hypothetical. 13 THE WITNESS: No. 14 MR. TORPEY: And you got the answer; right? 15 THE REPORTER: Uh-huh. 16 MR. TORPEY: Q. If you have the right-of-way, 17 does that mean that you as a pilot do not have to see 18 and avoid other aircraft while taxiing? 19 MR. TURNER: Objection as to form and 20 incomplete hypothetical. 21 THE WITNESS: I don't know unless I am 22 actually in a situation. 23 MR. TORPEY: Q. In any situation that your 24 mind can conceive, is there ever a situation during taxi 25 where you do not have to see and avoid another aircraft</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. What does the word overtaking mean to you in 2 terms of aviation as a pilot? What does the word 3 overtaking mean? 4 A. I don't have an understanding. 5 Q. As a pilot for ANA, do you have an 6 understanding of what it means to have the right-of-way? 7 A. Yes. 8 Q. What does the right-of-way mean? 9 A. It means right-of-way. 10 THE VIDEOGRAPHER: Two minutes, Counsel. 11 MR. TORPEY: You want to switch now because we 12 won't have to stop anymore. 13 THE VIDEOGRAPHER: This concludes Videotape 3 14 in the deposition of Teruo Usui. Going off the record. 15 The time on the monitor is 5:18 p.m. 16 (Discussion off the record.) 17 THE VIDEOGRAPHER: Here begins Videotape 4 of 18 the deposition of Teruo Usui. Coming back on the 19 record. The time on the monitor is 5:19. Please begin. 20 MR. TORPEY: Q. Mr. Usui, how do you as a 21 pilot know whether your aircraft or another aircraft has 22 the right-of-way while taxiing? 23 A. When the ATC controller gives an instruction, 24 that is when the aircraft has the right-of-way. 25 Q. And what is your definition of the</p>	<p style="text-align: right;">Page 105</p> <p>1 simply because you were given the right-of-way? 2 MR. TURNER: Objection as to form and 3 incomplete hypothetical. 4 THE WITNESS: My answer is the same as before, 5 unless I am in that actual situation, I would not know. 6 MR. TORPEY: Q. Do you instruct ANA pilots 7 that when they have the right-of-way, they are relieved 8 from compliance with Japanese aviation regulations? 9 A. The pilots have licenses. They have common 10 sense. They have their own knowledge, so I do not even 11 touch that subject. 12 Q. As a pilot yourself, do you believe, sir, that 13 simply because you are given clearance to taxi that you 14 are relieved of responsibility under Japanese 15 regulations with regard to careless or reckless 16 operation or operating aircraft too near to other 17 aircraft so as to create a collision hazard? 18 MR. TURNER: Objection as to form, foundation, 19 incomplete hypothetical. 20 THE WITNESS: When one is operating in the 21 normal way, there would be no violation. 22 MR. TORPEY: Q. That's not the question, sir. 23 The question is whether you believe that simply getting 24 clearance to taxi relieves you of your obligation to 25 comply with Japanese aviation regulations which require</p>

27 (Pages 102 to 105)

Teruo Usui

<p style="text-align: right;">Page 106</p> <p>1 you to not operate an aircraft too close to another  2 aircraft to create a collision hazard?  3 MR. TURNER: Objection as to form, foundation,  4 incomplete hypothetical.  5 THE WITNESS: I don't understand what that  6 specific situation is, so I could not answer.  7 MR. TORPEY: Q. So if the jury in this case  8 hears the testimony, you are saying you cannot answer  9 whether or not getting clearance relieves you -- let me  10 rephrase it.  11 As a commercial airline pilot, you have to  12 comply with Japanese regulations; correct?  13 A. Of course.  14 Q. So certainly, sir, you know full well whether  15 or not in getting clearance to taxi that relieves you of  16 any obligation under Japanese regulations to not operate  17 your aircraft so close to another aircraft as to create  18 a collision hazard; true, sir?  19 MR. TURNER: Objection. As to form,  20 foundation, lack of -- incomplete hypothetical.  21 THE WITNESS: I don't know. I cannot answer.  22 MR. TORPEY: Would you read back the question  23 and answer in English just for me.  24 (Record read by the reporter.)  25 MR. TORPEY: Q. Let me ask you another</p>	<p style="text-align: right;">Page 108</p> <p>1 time on the monitor is 5:36 p.m.  2 (Whereupon, the deposition adjourned at  3 5:36 p.m.)  4 --oOo--  5 I declare under penalty of perjury that the  6 foregoing is true and correct. Subscribed at  7 _____, California, this ____ day  8 of _____, 2007.  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: center;">TERUO USUI</p>
<p style="text-align: right;">Page 107</p> <p>1 question, you used the term -- strike that.  2 Does the term air control system mean anything  3 to you?  4 A. Are you talking about issuing air control  5 instructions?  6 Q. One second.  7 Does the term air traffic control system, does  8 that term mean anything to you?  9 A. As I mentioned earlier, are you talking about  10 air control instructions?  11 Q. I'll withdraw the question. Mr. Usui,  12 obviously you know at this point that your aircraft ran  13 into the United aircraft on October 7 of 2003. What, if  14 you could do it all over again, what would you have done  15 differently that day?  16 MR. TURNER: Is that your question?  17 MR. TORPEY: That's my question.  18 MR. TURNER: Objection as to form, foundation,  19 incomplete hypothetical.  20 THE WITNESS: I don't know unless I am in such  21 a situation.  22 MR. TORPEY: I don't have any further  23 questions.  24 THE VIDEOGRAPHER: Shall we go off the record?  25 This concludes Videotape 4. Going off the record. The</p>	<p style="text-align: right;">Page 109</p> <p>1 CERTIFICATE OF REPORTER  2 I, BRANDON D. COMBS, a Certified Shorthand  3 Reporter, hereby certify that the witness in the  4 foregoing deposition was by me duly sworn to tell the  5 truth, the whole truth, and nothing but the truth in the  6 within-entitled cause;  7 That said deposition was taken in shorthand by  8 me, a disinterested person, at the time and place  9 therein stated, and that the testimony of the said  10 witness was thereafter reduced to typewriting, by  11 computer, under my direction and supervision;  12 That before completion of the deposition,  13 review of the transcript was not requested. If  14 requested, any changes made by the deponent (and  15 provided to the reporter) during the period allowed are  16 appended hereto.  17 I further certify that I am not of counsel or  18 attorney for either or any of the parties to the said  19 deposition, nor in any way interested in the event of  20 this cause, and that I am not related to any of the  21 parties thereto.  22 DATED: November 29, 2007.  23  24  25</p> <p style="text-align: right;">BRANDON D. COMBS, CSR 1297</p>

28 (Pages 106 to 109)